



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

3802
(U-068)

Moab District
Grand Resource Area
885 So. Sand Flats Rd.
Moab, Utah 84532

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
Certification No. P 430 536 852

SEP 29 1992

Ronald Pene
P.O. Box 1473
Moab, Utah 84532

Re: Notice of non-compliance and of trespass for unauthorized land surface disturbances performed within that part of the Westwater Canyon (UT-060-118) Wilderness Study Area (WSA) located in T20S, R25E (SLM), Sections 22, 23, 26, and 27, Grand County, Utah

Dear Mr. Pene:

On August 21, 1992, two members of my staff made a field inspection of the area where the Pussycat 1 thru 6 (UMC 277243 thru UMC 277248) placer mining claims are located. They found that considerable blading of access routes had been done with a tracked vehicle; in addition, a number of freshly dug sampling pits were found. On August 25, 1992, two other members of my staff made a more detailed field inspection of the area. The following land disturbances in the WSA, of very recent origin, were found:

- (1) Pussycat #5 (UMC 277247), Section 22: NE1/4: grading of a 4-wheel drive road
- (2) Pussycat #1 (UMC 277243), Section 22: SE1/4: grading of a 4-wheel drive road, as well as some new road construction
- (3) Pussycat #6 (UMC 277248), Section 23: NW1/4: grading of a 4-wheel drive road, new road construction, as well as the digging of a new sampling pit
- (4) Pussycat #3 (UMC 277245), Section 26: NW1/4: grading of a 4-wheel drive road, new road construction, as well as the digging of four new sampling pits
- (5) Pussycat #2 (UMC 277244), Section 27: NE1/4: grading of a 4-wheel drive road, new road construction, as well as the digging of a new sampling pit

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DIVISION OF
OIL GAS & MINING

In your Affidavit of Labor and Improvement for the Pussycat #1 thru #6 (UMC 277243 thru UMC 277248) placer mining claims, recorded in the Grand County Recorder's Office on August 12, 1992, you state, under oath, that said work upon or for each of the above-referenced claims consists, in part, of "sampling from surface to bedrock, and road maintenance and repair (existing roads)".

Such work was not authorized and is therefore in violation of 43 CFR 3802.1-1 (this office, in a letter to you dated August 13, 1991, enclosed a copy of 43 CFR 3802 regulations with said letter). Pursuant to 43 CFR 3802.4-1, you are therefore found in non-compliance with these regulations.

In addition, you are in trespass under 43 CFR 2801.3. You are therefore liable for all costs incurred by the United States due to the investigation and termination of this trespass. You may also be subject to criminal penalties.

Within 30 days of receipt of this letter, you must provide this office with a written plan of operations which will detail how you intend to rehabilitate the lands trespassed (see 43 CFR 3802.1-4). You must also inform this office, at least a week in advance, of the dates during which you will be doing this reclamation work. This plan must include reclamation of each of the above-referenced land disturbances to their approximate natural land contour, scarification, and reseeding with the following seed mix:

<u>Indian ricegrass</u>	2 lbs/acre
<u>Galleta grass</u>	2 lbs/acre
<u>Sand dropseed grass</u>	2 lbs/acre
<u>Globemallow</u>	1/2 lbs/acre
<u>Fourwinged saltbrush</u>	2 lbs/acre
<u>Wyoming sagebrush</u>	2 lbs/acre
<u>Winterfat</u>	1 lbs/acre
Total-	11 1/2 lbs/acre

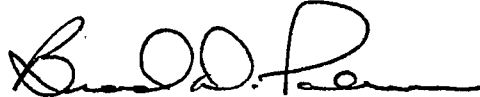
If seed is broadcast, double the seed amounts.

Failure to provide the above-referenced plan within the prescribed time period and/or failure to comply with its requirements shall constitute the establishment of a record of non-compliance. A record of non-compliance requires a plan of operations for all future activity and a bond amounting to 100% of the estimated cost of reclamation.

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary in accordance with the regulations at 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842.1, Information on Taking Appeals to the Board of Land Appeals. The appellant has the burden of showing that the decision appealed from is in error.

Should you have questions, please contact Alex VanHemert of my staff at (801) 259-8193.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "B. O. P.", with a long horizontal flourish extending to the right.

Area Manager

Enclosure:
(1) Form 1842.1

C.C.:
Holland Shepherd, Utah State Division of Oil, Gas and Mining (UDOGM)